

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Emergency Rules

■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted emergency amendments to Child Care (89 IAC 50; 39 Ill Reg 10072) effective 7/1/15 for a maximum of 150 days. Companion proposed amendments appear in this week's *Illinois Register* at 39 Ill Reg 9731. The emergency rule limits participation in the Child Care Assistance Program (CCAP) when DHS lacks sufficient resources to serve all eligible applicants. Enrollment in these circumstances will be limited to recipients of Temporary Assistance for Needy Families (TANF), teen parents studying full-time toward completion of a high school diploma or GED, families with special needs children, and working families with incomes at or below 50% of the Federal Poverty Level. The emergency rule also increases monthly CCAP co-payments

based on family size and income level; requires eligible families with an absent parent to pursue collection of child support through the Department of Healthcare and Family Services; requires criminal background checks for relative child care providers; and requires license-exempt child care providers to verify that they meet exemption

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criteria. The proposed rulemaking includes these provisions along with added or clarified definitions. Child care providers and CCAP clients are affected by these rulemakings.

Questions/requests for copies/comments on the proposed rulemaking through 8/31/15: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

Proposed Rulemakings

■ SUPPORTIVE HOUSING

The DEPARTMENT OF HUMAN SERVICES proposed a new Part titled Permanent Supportive Housing & Bridge Subsidy Model for Persons with Mental Illness (59 IAC 145; 39 Ill Reg 9704), establishing rules for the Division of Mental Health-Permanent Supportive Housing (DMH-PSH) program. DMH-PSH provides subsidies to institutionalized, formerly institutionalized, or homeless adults with mental illness enabling them to rent private apartments, single family homes, or units in affordable or supportive housing developments. Individuals may qualify for the program if they have been clinically diagnosed with at least one of the mental illnesses listed in the Part (e.g., major depression, bipolar

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

■ MENTAL HEALTH

The DEPARTMENT OF HUMAN SERVICES adopted a new Part titled Perinatal Mental Health Disorders Prevention and Treatment (77 IAC 2110; 39 Ill Reg 1427), effective 7/1/15, implementing Public Act 95-469. The PA and the new Part establish protocols for screening and prevention of perinatal mental health disorders (e.g., postpartum depression). The Part requires licensed health care professionals who provide prenatal or postpartum care and hospitals that provide labor and delivery services to offer pregnant women information regarding signs and symptoms of perinatal mental health disorders, treatment resources and methods of coping with symptoms. Health care professionals providing prenatal or postpartum care must invite patients, at least once during their pregnancies and at least once after giving birth, to complete a screening questionnaire (approved by the Department of Healthcare and Family Services) for perinatal mental health disorders. A healthcare professional providing pediatric care to a newborn shall also offer the questionnaire to the infant's mother at least 6 weeks after delivery, unless she has already completed the questionnaire during the postpartum period. The questionnaire may be offered more than once if the health professional determines the patient (or the mother if the patient is an infant) to be at risk

of, or suffering from, a perinatal mental health disorder. The health care professional may refer the patient to an appropriate healthcare provider for further assessment and treatment, and must notify emergency personnel if the patient poses an immediate risk of harm to herself or others. Questionnaire results may be shared with the patient's primary health care professional only with her consent, unless the prenatal or postpartum care provider determines the patient poses an acute danger to herself or someone else, in which case consent is not required to share the results with the primary care provider. The offer of the questionnaire and any action taken as a result must be included in the patient's health record. Those affected by this rulemaking include hospitals, birthing centers, ob-gyns, pediatricians, and other licensed healthcare professionals serving pregnant/postpartum women and newborns.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

■ SCHOOL FINANCES

The STATE BOARD OF EDUCATION adopted amendments to Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 IAC 100; 39 Ill Reg 2916), effective 6/30/15. A companion emergency rulemaking effective 2/11/15

appeared in the *Illinois Register* at 39 Ill Reg 3146. The amendments enable school districts to participate in a preschool expansion program, funded by a federal Race to the Top grant, by instituting a new revenue code for districts to separately record funds received from the program. (SBE will receive \$20 million each calendar year for 4 years for this purpose; 25 grants to 18 communities have been awarded for FY15.) The rulemaking also institutes a new expenditure code for districts to record their expenditures on charter schools and references the most recent government organization auditing standards published by the U.S. Comptroller General in 2011. This rulemaking affects school districts participating in the preschool expansion program and those which have instituted charter schools.

SCHOOL TRANSPORTATION

SBE adopted amendments to Pupil Transportation Reimbursement (23 IAC 120; 39 Ill Reg 2961) effective 6/30/15 implementing PA 98-1057. The PA and the rulemaking add required travel through a "safe passage route" designated by Chicago Public Schools to the existing criteria under which a student's parents or guardians may seek reimbursement from their school district for their transportation costs. The

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disorder, schizophrenia) and are currently living in, or at risk of placement in, a long term care facility. Young adults aging out of adolescent mental health programs or DCFS guardianship may also qualify. Eligible individuals must have household incomes at or below 30% of the median income in their area and must not be currently receiving government-funded rental assistance. Individuals who participate in DMH-PSH must consent to regular home visits from a case manager and receive services from a Community Mental Health Center contracted to participate in the program. A Subsidy Administrator will handle income verifications for applicants, inspections and reinspections of rental units, contracts with landlords or leasing agents, and payment of rent. The Part also addresses the application and approval process for prospective tenants, types of leases that may be offered, income criteria, criteria for housing inspections, determination of the amount of rental assistance, program terminations and appeals, and provisions for one-time transition assistance toward purchase of household items or payment of security deposits or utility connection fees. Those affected by this rulemaking include rental property owners and managers who wish to participate in the program.

■ RADIOACTIVE MATERIAL

DHS also proposed an amendment to Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (59 IAC 50; 39 Ill Reg 9697) clarifying which parties receive notification of an investigative report's findings (the complainant, the alleged victim or his/her legal guardian, the alleged perpetrator, and the facility or agency involved) and which parties have the right to request clarification or reconsideration of these findings (all of the above, except the complainant).

Questions/requests for copies/comments on the 2 DHS rulemakings through 8/31/15: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.

■ HEALTH CARE REPORTING

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Adverse Health Care Event Reporting Code (77 IAC 235; 39 Ill Reg 9866) implementing Public Act 98-683. The rulemaking aligns the Part with the most recent National Quality Forum standards for serious reportable events and expands the definitions of surgery and adverse surgical events to include other invasive procedures. Any death of a normal, healthy patient after being placed under anesthesia must be reported, regardless of

whether the planned surgical procedure was actually performed. Other events that must be reported include discharge of a patient of any age who lacks decisional capacity (currently, infants) to someone other than the person's guardian or other legally authorized person; death or serious injury associated with the disappearance of a patient for any length of time (currently, 4 hours or longer); maternal deaths within 42 days after delivery; unplanned admission of a newborn to a hospital within 24 hours after a home or birthing center delivery; artificial insemination performed with the wrong donor sperm or wrong ovum; death or serious injury caused by introduction of a metallic object into a Magnetic Resonance Imaging area; and deaths or serious injuries due to loss or misidentification of lab specimens or failure to follow up or communicate test results. Hospitals and health care providers will be affected by this rulemaking.

Questions/requests for copies/comments through 8/31/15: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ ENGINEERS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to the

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rulemaking also adds a definition of Regional Office of Education which reflects recent changes to the School Code. Parents or guardians of CPS students may be affected by this rulemaking.

■ SCHOOL MAINTENANCE

SBE also adopted amendments to School Construction Program (23 IAC 151; 39 Ill Reg 2970) effective 6/30/15 that add special education cooperatives to the list of entities eligible to receive school maintenance project grants and add an updated definition of an ROE. Special education cooperatives may be affected by this rulemaking.

Questions/requests for copies of these 3 SBE rulemakings: Debbie Vespa, SBE, 100 N. First St. N-330, Springfield IL 62777-0001, 217/785-8779.

REGIONAL ED OFFICES

SBE repealed the Part titled Regional Offices of Education and Intermediate Services (23 IAC 525; 39 Ill Reg 2986) and adopted a new Part titled Intermediate Services (23 IAC 525; 39 Ill Reg 3007), both effective 6/30/15, implementing 4 Public Acts that abolished the Regional Office of Education (ROE) for suburban Cook County, reduced the Statewide number of ROEs from 45 to 35 effective 7/1/15, and shifted responsibility for certain intermediate services formerly provided by ROEs to

other bodies. The new Part replaces biannual program visits by SBE staff to ROEs with an annual application and document review, with on-site visits when necessary to address problems or questions. Intermediate service delivery in suburban Cook County is handled by three Intermediate Service Centers (ISCs) instead of the defunct ROE. The repealer and the new Part also eliminate obsolete references to the Chicago ISC (whose responsibilities now belong to Chicago Public Schools), remove the requirement that ISC boards meet 6 times per year, and eliminate a requirement for ROEs and ISCs to maintain consultant directories. ROE and ISC staffs are affected by these rulemakings.

Questions/requests for copies of these 2 SBE rulemakings: Jeff Aranowski, SBE, 100 W. Randolph St., CH 14-300, Chicago IL 60602, 312/814-2220.

SBE REPEALERS

Finally, SBE repealed Parts titled Children's Low-cost Laptop Program (23 IAC 365; 39 Ill Reg 2978) and Parental Participation Pilot Project (23 IAC 560; 39 Ill Reg 3024), both effective 6/30/15. Both were pilot programs with statutory sunset dates of 8/31/12 and 12/31/10, respectively.

Questions/requests for copies: David Andel, SBE, 100 N. First St., N-253, Springfield IL 62777-0001, 217/782-5589.

AIDS DRUG ASSISTANCE

The DEPARTMENT OF PUBLIC HEALTH adopted an amendment to AIDS Drug Assistance Program (77 IAC 692; 39 Ill Reg 4860) effective 7/2/15 that updates program eligibility rules to reference the 2015 Federal Poverty Level (FPL) determined by the federal Department of Health and Human Services. The income threshold for the AIDS Drug Assistance Program is 300% of FPL.

Questions/requests for copies: Elizabeth Paton, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

■ RADIOACTIVE MATERIAL

The ILLINOIS EMERGENCY MANAGEMENT AGENCY adopted amendments to Radioactive Materials Transportation (32 IAC 341; 39 Ill Reg 6638) and Radiation Safety Requirements for Industrial Radiographic Operations (32 IAC 350; 39 Ill Reg 6845), both effective 7/1/15. These amendments update incorporations by reference of recently amended federal regulations regarding the notification of tribal officials along transportation routes and updating the allowable quantity of radioisotopes in packaging. The amendments also add the address of the American National Standards Institute (ANSI).

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Parts titled The Professional Engineering Practice Act of 1989 (68 IAC 1380; 39 Ill Reg 9819) and The Structural Engineering Practice Act of 1989 (68 IAC 1480; 39 Ill Reg 9836) implementing provisions of various Public Acts that concern testing and other requirements for licensure. Both rulemakings exempt applicants whose first language is not English from taking the Test of English as a Foreign Language if they have earned an advanced degree from an accredited U.S. institution and allow computer-based testing for certain currently required licensing exams as well as future exams. Manual retabulation of scores is allowed for paper exams but not for computer-based tests. Additional amendments to Part 1480 clarify seismic design requirements, clarify which exams may be used for license restoration, and update continuing education requirements to allow on-line or webinar presentations. Candidates for engineering licenses and engineering degree and training programs are affected by these rulemakings.

■ SURVEYORS

DFPR also proposed amendments to Illinois Professional Land Surveyor Act of 1989 (68 IAC 1270; 39 Ill Reg 9786) implementing various Public Acts. The amendments provide an additional option for evaluation of a degree; remove the requirement that “pending”

disciplinary actions be included on applicants’ certification forms; allow computer-based licensing exams; permit manual score retabulation for paper tests only (not computer-based tests); allow electronic signatures; and clarify other requirements for licensure and renewal. Businesses employing professional land surveyors may be affected.

■ ARCHITECTS

Finally, DFPR proposed amendments to Illinois Architecture Practice Act of 1989 (68 Ill Adm Code 1150; 39 Ill Reg 9759) implementing various Public Acts. The rulemaking exempts candidates whose first language is not English from taking the Test of English as a Foreign Language if they have earned an advanced degree from an accredited U.S. institution; updates National Council of Architectural Registration Boards (NCARB) requirements; extends acceptance of pre-professional degrees to 1/1/16 (after that date, candidates for examination or licensure must have a nationally accredited professional architectural degree); and allow electronic signatures. Architectural firms, schools and training programs are affected.

Questions/requests for copies/comments on the 4 DFPR rulemakings through 8/31/15: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, fax 217/557-4451.

■ SAFE DRIVING COURSES

The SECRETARY OF STATE proposed an amendment to Motor Vehicle Accident Prevention Courses for Liability Insurance Premium Reduction (50 IAC 8000; 39 Ill Reg 9915) concerning accident prevention courses that qualify drivers age 55 and older for discounts on their auto liability insurance premiums. The amendment expands the maximum class size for these courses from 35 to 50 persons. Accident prevention course providers are affected.

Questions/requests for copies/comments through 8/31/15: Jennifer Egizii, SOS, 2701 S. Dirksen Pkwy., Springfield IL 62723, 217/557-4462.

■ WORKPLACE INJURIES

The DEPARTMENT OF LABOR proposed an amendment to Health and Safety (56 IAC 350; 39 Ill Reg 9860) concerning reporting of workplace deaths, hospitalizations, and injuries. An inpatient hospitalization of one or more employees, or an amputation or loss of an eye due to a work-related incident, must be reported to DOL within 24 hours (currently, inpatient hospitalizations must be reported within 8 hours). Work-related deaths must still be reported within 8 hours.

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Questions/requests for copies: Traci Burton, IEMA, 1035 Outer Park Drive, Springfield IL 62704; 217/785-9860.

■ AIRPORTS

The DEPARTMENT OF TRANSPORTATION adopted amendments to Airport Hazard Zoning (92 IAC 14; 39 Ill Reg 4333), effective 7/2/15, adding Fairfield Municipal Airport and Rantoul National Aviation Center to the list of airports that must comply with this Part. DOT also repealed the Part titled Fairfield Municipal Airport Hazard Zoning Regulations (92 IAC 41; 39 Ill Reg 4340) effective 7/2/15 because these rules were moved to Part 14. Pilots or others utilizing these airports will be affected by these rulemakings.

Questions/requests for copies: Robert Hahn, DOT, 1 Langhorne Bond Dr., Springfield IL 62707, 217/524-1580.

PUBLIC RECORDS

The DEPARTMENT OF NATURAL RESOURCES repealed a Part titled Freedom of Information (2 IAC 826; 39 Ill Reg 9943) and adopted a new Part with the same name, Title and Part number (2 IAC 826; 39 Ill Reg 9945), both effective 7/6/15, in accordance with the required rulemaking process in Section 5-15 of the Illinois Administrative Procedure Act. The rulemakings implement recent revisions of the Illinois Freedom of Information Act (FOIA) that affect what documents and information agencies must make public, the timelines for providing such information, and the appeals process when a request for information is denied. The new Part includes definitions; lists

information that will be disclosed and information that is exempt from disclosure. Other provisions specify how and to whom a request for public information should be submitted, establish response timelines of 5 business days for non-commercial requests and 21 working days for commercial requests or those from recurrent requesters, and list conditions under which the agency may deny a request or extend the timeline. The new Part also lists charges for copies made in various formats (black and white photocopies, color or oversized copies, microfilm, audio or video tapes, CD ROM). New provisions for appealing a denial of requested documents to the Attorney General's Public Access Counselor are also included.

Questions/requests for copies: Felicia Page, DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

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Questions/requests for copies/comments through 8/31/15: Chris Wieneke, DOL, 900 S. Spring St., Springfield IL 62704, 217/558-1270.

■ INCOME TAX

The DEPARTMENT OF REVENUE proposed an amendment to Income Tax (86 IAC 100; 39 Ill Reg 9882) concerning "hedging

transactions" undertaken to offset the impact of fluctuations in interest rates, prices, or currency exchange rates upon a taxpayer's business profits or expenses. The rulemaking requires Illinois income tax payers to count gains and losses from hedging transactions as adjustments to the dollar amounts of the hedged transactions, rather than as separate transactions, for purposes of computing the sales factor. Businesses engaged in

hedging transactions are affected.

Questions/requests for copies/comments through 8/31/15: Paul Castleton, DOR, 101 W. Jefferson St., Springfield IL 62796, 217/524-3951.

■ EMPLOYEE RIGHTS

The HUMAN RIGHTS COMMISSION and DEPARTMENT OF HUMAN

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RIGHTS both proposed new Parts titled Joint Rules of the Human Rights Commission and Department of Human Rights: Rules on Pregnancy Discrimination and Accommodation in Employment (56 IAC 5215; 39 Ill Reg 9911 and 56 IAC 2535; 39 Ill Reg 9682). The new Parts (56 IAC 5215 cross-references the complete text in 56 IAC 2535) implement Public Act 98-1050, which requires employers to reasonably accommodate a job applicant or

employee's pregnancy and to notify employees of their statutory rights in this regard. The rules give examples of reasonable accommodations which may be agreed upon by the employer and employee/applicant, including temporary transfer or reassignment to a less hazardous or strenuous position. However, an employer may not require an applicant or employee to accept such accommodations. Businesses, units of local government, non-profit agencies, employment agencies and labor

organizations are affected by this rulemaking.

Questions/requests for copies/comments through 8/31/15: Evelio Mora, HRC (Suite 5-100, 312/814-6269) or David T. Rothal, DHR (Suite 10-100, 312/814-6257), 100 W. Randolph St., Chicago IL 60601.

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at the Committee's August 11, 2015 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concernings these rulemakings should be addressed to JCAR using the contact information on page 1.

HEALTH FACILITIES & SERVICES REVIEW BOARD

Processing, Classification Policies and Review Criteria (77 IAC 1110; 39 Ill Reg 5540) proposed 5/22/15

DEPT OF HUMAN SERVICES

Aid to the Aged, Blind or Disabled (89 IAC 113; 39 Ill Reg 5669) proposed 5/1/15

ILLINOIS GAMING BOARD

Riverboat Gambling (86 IAC 3000; 39 Ill Reg 6730) proposed 5/15/15

DEPT OF PUBLIC HEALTH

Smoke Free Illinois Code (77 IAC 949; 38 Ill Reg 17283) proposed 8/15/14

Grade A Pasteurized Milk and Milk Products (77 IAC 775; 38 Ill Reg 18346) proposed 9/5/14

Emergency Medical Services, Trauma Center, Primary Stroke Center and Emergent Stroke Ready Hospital Code (77 IAC 515; 39 Ill Reg 6217) proposed 5/8/15

Hospital Licensing Requirements (77 IAC 250; 39 Ill Reg 6184) proposed 5/15/15

DEPT OF REVENUE

Retailers' Occupation Tax (86 IAC 130; 39 Ill Reg 7221) proposed 5/22/15